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Cullen Rance
HST 499
04-16-2020
Senior Thesis

Death Squads: The Hidden Killers of Colombia

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On May 5th, 2003, in Betoyes, Colombia, a 16-year-old girl named Omaira Fernandez went to the river to wash her clothes. Unfortunately for the expectant mother, that same morning, a group of soldiers dressed in paramilitary uniforms with "AUC armbands" began to raid the town. Fernandez was gang-raped and killed, her body was cut open and both her and her baby were thrown into the river. The rape and assassination of Fernandez and her unborn child then went unpunished by Colombian officials.[1] According to Amnesty International, these "paramilitaries" were in reality soldiers detached from the eighteenth brigade of the Colombian Army in a false-flag operation.[2] Officially, the Colombian army, the paramilitaries, and the guerrillas are all separate groups, "sworn" enemies to one another. Yet, paramilitary groups have been able to direct lucrative extortion rackets, international drug trafficking rings, and murders of anyone who dares to threaten them, without an effective reaction from the state. Therefore, the origin of the paramilitaries as a civilian extension of the Colombian armed forces is a legacy that even today cannot be outlived. Moreover, the paramilitaries have had a close working relationship with officials in Colombia's military and government since their origin. Thus, the close association between the Colombian government and the death squads has resulted in the lack of prosecution of these paramilitary forces for their crimes.

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[1] "Fear for Safety/Possible 'Disappearance.'" *Amnesty international*. Last modified June 3, 2003, https://www.amnesty.org/download/Documents/104000/amr230432003en.pdf.

[2] "Sexual Violence against Indigenous Women as a Weapon of War: El Tema: Versión Solo Texto: Otramérica," *Otramérica*, last modified June 4, 2012, http://otramerica.com/solo-texto/temas/sexual-violence-against-indigenous-women-as-a-weapon-of-war/2012.

Different accounts by historians have examined the origin of the death squads and their connections to Colombian officials. As early as the 1980s, Bruce Bagley[3] mentioned how these groups developed close ties with the military for the purpose of exterminating communist dissidents.[4] To further this connection, the testimonies and findings from James Brittain and William Aviles tie the support given by the United States into the paramilitary squad's development. Additionally, historian German Arcinegias takes this further adding that violent paramilitary groups Muerte a Secuestradores and Alianza Americana Anticomunista developed under the lack of oversight of death squads and used this pretext to forge close associations with the military.[5] This paper will also analyze primary sources such as Law 48 of 1968. This legislation defined paramilitary squads as essential to the defense of the nation while showing obvious American influence as Special American military advisors recommended its creation. Furthermore, it is the language of "guaranteeing national independence and institutional stability" by using civil defense squads that reflect an American agenda rather than a Colombian one.

As current literature indicates, the paramilitary groups carried out numerous human rights abuses. Among other actions, they committed crimes such as dismemberment, mass murder and rape, against both suspected guerilla supporters, who often were impoverished civilians, and the guerrilla fighters themselves.[6] As a

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[3] Bagley is a former international studies professor at the University Miami. He has also completed consultancy work for numerous agencies including the Department of Justice and the FBI. "Dr. Bruce Bagley," *Swansea University*, accessed June 4, 2020, https://www.swansea.ac.uk/gdpo/technicaladvisors/drbrucebagley/.

[4] Bruce Micheal Bagley, "The New Hundred Years War? US National Security and the War on Drugs in Latin America," *Journal of Interamerican Studies and World Affairs* 30, no. 1 (1988): 161-82, accessed March 18, 2020, doi:10.2307/165793.

[5] Germán Arcinegias, *Colombia's Killer Networks* (Colombia: Human Rights Watch, 1996),1 and 19.

[6] Ibid, 9.

result of loose regulation, these heavily armed groups became tools for those who paid them well, and drug cartels were not an exception. This relationship between the paramilitaries and the drug cartels is further supported by a 2003 interview completed by CNN with a former Colombian national police officer. This interview corroborates that the Colombian Army relied on the Medellin Cartel to arm and fund paramilitary groups that hunted guerrillas. This would mean that paramilitary groups enjoyed the profits of the drug trade in addition to the Colombian military well into the 1980s. As a result, this hampered Colombian police efforts to bring the cartel to justice and resulted in a deeply corrupted network of protection for the cartel and the paramilitaries. By the early 1990s, drug cartels feared extradition and used armed groups to intimidate and kill anyone who stood in their way. A shift then occurred among historians which focused on the mass genocide of peasants, and farming communities which were alleged to have supported the guerrilla groups that the police and military were hunting. For example, Dennis Hanratty's 1992 work discusses the Best Corner massacre committed by a far-right group known as the Magnificent.[7] This group alleged that the inhabitants were guerrilla supporters. However, they presented no evidence to support this conclusion. This relates to my thesis as the Best Corner Massacre was the purposeful targeting of political subversives who the Colombian military was ordered to hunt. Yet, paramilitary squads killed these targets, which would suggest a close working relationship between those two factions. Moreover, a 1990 cable tie to Robert Mcnamara's[8] office showed that U.S officials knew about human rights abuses committed by the Colombian military

[7] Dennis Hanratty, "The Drug War," *U.S Government Accountability Office*, last modified February 1992, accessed March 12, 2020, https://www.gao.gov/assets/110/104300.pdf.
[8] Former Secretary of Defense of the United States.

against civilians. This would indicate that the close working relationship between paramilitaries and the military extended to sharing methods of torture and brutality.

By the early 2000's, historians took an expanded look at the failures of human rights groups to address the problems that paramilitary squads have caused. For example, Victoria Sanford's 2003 book "Learning to Kill by Proxy" focuses on the failures of intervention by human rights groups against massacres in Colombia.[9] Sanford's work is an important piece that shows a cold war connection between paramilitary death squads and the military that still persists today. To build on this connection, this paper will also show that the Colombian police investigated these human rights abuses , but they were gradually buried by the late 1990s. The quotes and experiences from Colombian police officers in Maria Moreno's work *No More Dead Here* affirm this connection.

A last group of historians have analyzed other social factors relating to the armed conflict between guerrillas and death squads, in terms of economic disparities, and racism. Camilo Gonzales's 2014 article "The Conflict in Colombia" discusses how Afro Colombians make up a disproportionate amount of the members of FARC and typically occupy lower positions.[10] This would suggest that Afro Colombians see joining groups fighting paramilitaries as the only way out of poverty. In addition, Tatiana Gonzalez further highlighted disparities between Afro and non-Afro Colombians in terms of healthcare and education in her report titled *A report on the situation of the rights of*

[9] Victoria Sanford, "Learning to Kill by Proxy: Colombian Paramilitaries and the Legacy of Central American Death Squads, Contras, and Civil Patrols," *Social Justice* 30, no. 3 (2003): 63-81. www.jstor.org/stable/29768209.
[10] Camilo Gonzales, "The Conflict in Colombia," *United States Institute of Peace*, last modified June 14, 2014, https://www.usip.org/.

Afro-Colombians.[11] According to Gonzalez, Afro Colombians are slaughtered at an alarming rate by paramilitary squads. This factor relates to my thesis and adds a racial motivator to the crimes of the paramilitary death squads. Another social and economic factor to take into consideration is poverty, as many of the victims of these death squads are poor and working class. By contrast, the wealthier landowners hire paramilitary squads for "protection." Therefore, when looking at the crimes for which paramilitary death squads have received impunity, it becomes impossible not to consider an element of class warfare. Lastly, there has also been a renewed interest in the discussion of how Afro Colombians were specifically targeted by a military operation named Genesis[12]. This operation has further ties to paramilitary death squads as their commander utilized right wing paramilitary groups to carry out the killings and forced displacement of the villagers. However, to date there has been little prosecution against the perpetrators of this operation, and some feel that the truth of the incident has been buried.

1. Origins of the Death Squads in Colombia

The story of the present day conflict traces its origins back to the late 1940's when then socialist Colombian presidential candidate Jorge Gaitan was assassinated by a supporter.[13] This event set off a bloody and painfully long civil war which also partly owed itself to the indifference of the Colombian government toward worker's rights and

[11] Tatiana Gonzalez, R*acial Discrimination and Human Rights in Colombia. A report on the situation of the rights of Afro-Colombians* (United Kingdom: Observatory on Racial Discrimination, 2014).
[12] Forced displacement of countless Afro Colombians in 1998 by armed group AUC.
[13] Herbert Braun, *The Assassination of Gaitan: Public Life and Urban Violence in Colombia* (Wisconsin: University of Wisconsin Press, 1985), 7.

labor repression.[14] By the 1950s, the military pushed the socialist elements into the jungles and countryside of Colombia. The reason behind this plan is that these groups wanted to create socialist communes, or self-defense communities, that provided for the needs of its members while also protecting them from the violence of landowners.[15] Yet, in the context of the early cold war, American assistance funded not only the Colombian military but the establishment of hunter-killer paramilitary teams that sought to stomp out these forested socialist communes.[16]

American assistance in Colombia began as early as 1959 when the Eisenhower administration put together a team of CIA advisers to oversee the country after La Violencia.[17] Colombia was a key cold war supporter for the United States but had been overcome by La Violencia. Unsurprisingly, this political unrest prevented Colombia from contributing to American victory in its war against socialism. As a result, the United States realized Colombia needed to transform itself militarily and politically to defeat a resurgence of guerrilla violence. Thus, Colombia brought in American advisers to train officials in political, psychological warfare and special operations. The culmination of these efforts became known as Plan LAZO[18] which targeted specific "guerrilla enclaves"

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[14] "The Labor Movement." *Colombia - The Labor Movement. U.S Library of Congress*. Accessed April 17, 2020. http://countrystudies.us/colombia/64.htm.

[15] James Brittain, *Revolutionary Social Change in Colombia* (New York: Pluto Press, 2010), 2-3.

[16] William,Avilés, "Paramilitarism and Colombia's Low-Intensity Democracy," *Journal of Latin American Studies* 38, no. 2 (2006), 379, accessed April 30, 2020, www.jstor.org/stable/3875504.

[17] La violencia was a period of civil unrest in Colombia that was forcefully put down by the Colombian Government. Dennis M. Rempe, "Guerrillas, Bandits, and Independent Republics: US Counter-Insurgency Efforts in Colombia 1959–1965," *Small Wars & Insurgencies* 6, no. 3 (1995): 304–27, https://doi.org/10.1080/09592319508423115.

[18] A 1959 anti-terrorist assistance program supported by the United States to bolster Colombia's effectiveness as a cold war ally. (Dennis M. Rempe, "Guerrillas, Bandits, and Independent Republics: US Counter-Insurgency Efforts in Colombia 1959–1965," *Small Wars & Insurgencies* 6, no. 3 (1995): 304–27, https://doi.org/10.1080/09592319508423115.)

using newly trained Colombian soldiers to take over these areas on behalf of the government.[19]

Civilian groups were also trained by the Colombian military and fought alongside them. Yet, civilian groups lacked real oversight or control, and frequently engaged in crimes such as rape, and mass murder of peasant communities. This was further made possible by President Guillermo Valencia's Decree 3398[20], which passed in 1965. This regulation stated "all Colombians, men and women, will be used by the government for activities that contribute to the reestablishment of order."[21]

Two of the most prominent Colombian officials to support American assistance were General Alberto Novoa, a veteran of the Korean War, and president Valencia himself.[22] Valencia was likely persuaded by the military officers under his command who saw the need for counter insurgency in maintaining public order, including covert intelligence gathering.[23] In contrast, Novoa was a Korean War veteran who fought with the Americans against Chinese troops. He believed that keeping the socialists from power would "mend the national social fabric and infrastructure."[24] Further clues as to what he meant come from his speech in 1963 in Panama where he mentioned that to defeat the guerrilla, they must "drain the sea in which they swim."[25] In other words, he

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[19] Dennis M. Rempe, "Guerrillas, Bandits, and Independent Republics: US Counter-Insurgency Efforts in Colombia 1959–1965," *Small Wars & Insurgencies* 6, no. 3 (1995): 304–27, https://doi.org/10.1080/09592319508423115.
[20] A decree legalizing the mobilization of civilian soldiers for security reasons. "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States." Accessed April 17, 2020. https://www.hrw.org/reports/1996/killer2.htm.
[21] Steven S. Dudley, *Walking Ghosts: Murder and Guerrilla Politics in Colombia*, (New York: Routledge,2003), 34.
[22] "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States," *Human Rights Watch*, accessed April 17, 2020, https://www.hrw.org/reports/1996/killer2.htm.
[23] Dennis M. Rempe, "Guerrillas, Bandits, and Independent Republics: US Counter-Insurgency Efforts in Colombia 1959–1965," *Small Wars & Insurgencies* 6, no. 3 (1995): 304–27, https://doi.org/10.1080/09592319508423115.
[24] Ibid.
[25] Forrest Hylton, *Evil Hour in Colombia*, (London: Verso, 2006), 56.

supported eliminating the source of support of the guerrillas, which could be accomplished by providing better public medical care and education. Novoa believed that his stance on anti-communism would greatly benefit his country.

By contrast the plan of counter-insurgency against the rebels only accomplished the strengthening of armed paramilitaries and further pretexts for increased violence against the Colombian people.[26] In addition, the "civil defense groups" and military sent those accused of being guerrilla sympathizers to military courts, with a suspension of their constitutional rights.[27] Paramilitary soldiers became thus legitimized to charge civilians criminally, despite not being official soldiers. As a result, Plan Lazo contributed to the prosecutorial immunity for the crimes of paramilitaries since the 1960s. In parallel, the efforts of the Colombian government proved ineffective in stopping the guerrilla conflict.

By 1964, the armed groups of guerrillas that persisted in the jungles of Colombia expanded after an overwhelming raid by the Colombian military on their stronghold. 16,000 Colombian troops and an unknown number of paramilitary irregulars attacked the peasant commune of Marquetalia which only had 48 armed members.[28] Subsequently, the guerillas escaped and created a more organized and well-armed group known as FARC, or Revolutionary Armed Forces of Colombia. This movement became the driving force behind the continual "need" for a paramilitary presence within

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[26] "II The history of the military-paramilitary partnership," *Human Rights Watch*, Seven Stories Press, last modified 1996, https://www.hrw.org/reports/1996/killer2.htm.
[27] "II The history of the military-paramilitary partnership," *Human Rights Watch*, Seven Stories Press, last modified 1996, https://www.hrw.org/reports/1996/killer2.htm.
[28] Steven S. Dudley *Walking Ghosts: Murder and Guerrilla Politics in Colombia*. (New York: Routledge,2003),10.

Colombia.[29] In 1968, this problem evolved when Law 48 allowed the creation of "civil patrols" and both the outfitting and training of these irregular troops with military grade weapons, under the guise of acting in the interests of national security.[30] Yet, the lack of proper regulation of these groups allowed them to be used for other purposes such as being employed as self-defense militias by private "wealthy" individuals as bodyguards and private security.[31] During the 1970s, these paramilitary groups were put to the test as guerrilla groups, mainly FARC, instituted a series of violent kidnappings against prominent landowners holding them for ransom.[32] At this point, many FARC members still believed in the approach of dominating politically rather than through the use of force. This included the use of public works projects, settling disputes and even acting as local law enforcement.[33] The plan seemed to work as the Colombian communist party, FARC's political ally, began to gain greater representation within the government. However, conservative elements of the Colombian government would see them as a threat, as part of the Cold War.[34]

In 1978, the Secretary of Defense General Luis Carlos Camacho Leyva perceived peaceful socialist protests as the "unarmed branch of subversion." [35] This

[29] Kiraz Janicke, "War vs Peace: Colombia, Venezuela and the FARC Hostage Saga," *Third World Traveler,* accessed February 9, 2008, http://www.thirdworldtraveler.com/South_America/Colombia_FARC.html.
[30] "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States." *Human Rights Watch*, accessed April 17, 2020, https://www.hrw.org/reports/1996/killer2.htm.
[31] Daron Acemoglu, James Robinson, and Rafael Santos, "The Monopoly of Violence: Evidence from Colombia," *Massachusetts Institute of Technology*, last modified October 2008, https://economics.mit.edu/files/9339.
[32] "Colombia: Information on the Former Guerrilla Group M-19," *Refworld*, last modified March 25, 2003, https://www.refworld.org/docid/414eee264.html.
[33] "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States," *Human Rights Watch*, accessed April 17, 2020, https://www.hrw.org/reports/1996/killer2.htm.
[34] "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States," *Human Rights Watch*, accessed April 17, 2020, https://www.hrw.org/reports/1996/killer2.htm.
[35] "Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States," *Human Rights Watch*, accessed April 17, 2020, https://www.hrw.org/reports/1996/killer2.htm.

group included government critics, trade unionists, and community organizers. The plan to eliminate these political opponents created the need for a force that was not implicitly affiliated with the Colombian military but still possessed their training and resources. Unofficial troops already in operation had a loose affiliation with the government that would permit paramilitaries to receive orders without being acknowledged as regular members, who were subject to the same rules of engagement as the formal Colombian military. As a result, paramilitaries provided a clear path to quell opposition without holding anyone accountable.

During the 1980's, drug lords, paramilitaries, and security forces targeted socialist political members. The strongest paramilitary group was the ACCU,[36] which gained its fortune from robbing drug shipments and protecting certain drug traffickers from guerrilla raids. Members of the communist political party, however, were not the only targets, and they also killed political opposition to drug lords. One such group, the Patriotic Union,[37] was dealt a major blow as its leader was assassinated by a fourteen year old working for the paramilitary group ACCU.[38] There was little prosecution against the groups who committed these assassinations, and the killers became "expendable" after the attacks. The lack of prosecution, on the other hand, provided

[36] A paramilitary organization founded in the 1960s by the Castano brothers, sons of a rancher that was killed by guerrilla forces.

[37] Short-lived political arm of the FARC whose members were slowly killed off by the end of the 1980s. Colombia Reports. "Patriotic Union: Colombia Reports," *Colombia Reports*, last modified August 28, 2019. https://colombiareports.com/patriotic-union/.

[38] "Colombia: Political Dynamics," *Carnelian International*, Accessed April 17, 2020. https://web.archive.org/web/20040616211546/http://www.carnelian-international.com/colombia/Political_Dynamics.htm.

strong evidence that the Colombian government was using paramilitary soldiers to pursue a "deliberate policy of political murder."[39]

2. Criminal Behavior of the Death Squads

The official lack of oversight of the death squads and its contribution to their empowerment is corroborated by the experiences of Colombian lawyer and activist Jesus Maria Valle. From 1987 until his death in 1998, Valle was an outspoken critic and advocate for the poor as he himself had been one, growing up in a small shack with ten other siblings.[40] As he reached adulthood, he became alarmed at the innocent civilians who were often killed, tortured, or displaced by the fighting between communist guerrillas and the Colombian military.[41] Valle's persistence in exposing lies and cooperation between the Colombian Army and death squads caused Governor Alvaro Uribe to label him as "an enemy of the armed forces."[42] In one of the most notable instances, Valle was able to prove through witness testimony that a heavily armed group of paramilitary soldiers, who were a part of the AUC[43], passed through the only road leading to La Granja. This road went across a military base, where one of the smaller massacres took place, in which 15 were killed . The paramilitary group also raped, murdered, and displaced innocent civilians. Subsequently, the soldiers left the town using that same road as indicated by track marks from heavy vehicles. In addition,

[39] "Colombia: Political Dynamics," *Carnelian International*, accessed April 17, 2020, https://web.archive.org/web/20040616211546/http://www.carnelian-international.com/colombia/Political_Dynamics.htm.
[40] Maria, Sánchez-Moreno, "The Prophet" in *There Are No Dead Here*. (New York: Bold Type Books, 2018).
[41] Maria, Sánchez-Moreno, "The Prophet" in *There Are No Dead Here*. (New York: Bold Type Books, 2018).
[42] Maria, Sánchez-Moreno, "The Prophet" in *There Are No Dead Here*. (New York: Bold Type Books, 2018).
[43] Successor Organization to the ACCU, headed by the Castano brothers. A unification of the ACCU and other paramilitary groups.

the town was surrounded by a dense forest, preventing the death squads from using an alternative path.[44]

Valle's experiences, in turn, reflected numerous factors which made the death squads even more powerful and violent by the end of the 1980s and continuing into the 1990s. In the beginning of this era, the Medellin Cartel led by Pablo Escobar engaged in philanthropic activity.[45] Escobar funded the building of schools, hospitals, and housing for Colombia's poor.[46] In this context, armed groups of paramilitaries portrayed as friends of the people were able to kill rivals and commit their crimes with relative ease. Consequently, death squads working for the drug cartels received free passes by those who witnessed their crimes. Yet, the public saw another face of the Cartel as the U.S assistance urged a more aggressive government stance against drug trafficking. Colombian drug traffickers became alarmed at the extradition treaty between America and Colombia, that resulted from Reagan's "just say no" campaign, which demanded that drug lords be sent from overseas to stand trial.[47] They feared extradition to the United States as they could not bribe or enjoy the shorter sentences they would otherwise receive in their country. [48] As a result, Escobar began using his men to intimidate locals which included everything from torture to organized executions. The Medellin cartel offered up to $8000 bounties for each kill that the death squads

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[44] Maria, Sánchez-Moreno, "The Prophet" in *There Are No Dead Here*, (New York: Bold Type Books, 2018).
[45] Jack Child, *The Central American Peace Process, 1983-1991*, (San Francisco, California: Hoover Institution Press, 1992), 35.
[46] Jenna Bowley, "Robin Hood or Villain: The Social Constructions of Pablo Escobar," *University of Maine*, last modified May 2013, https://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1108&context=honors.
[47] "Killing Pablo," *CNN, Cable News Network*, last modified May 25, 2003, http://edition.cnn.com/TRANSCRIPTS/0305/25/cp.00.html.
[48] "Killing Pablo," *CNN, Cable News Network*, last modified May 25, 2003, http://edition.cnn.com/TRANSCRIPTS/0305/25/cp.00.html.

managed. Among others, this practice involved, judges, politicians, and Colombian police officers.[49]

The campaign to desperately avoid extradition by hyperviolence did not end until Escobar's death in 1993. Escobar controlled 80% of the cocaine entering the United States at his height, and alternative drug cartels, paramilitary organizations, and other criminal groups quickly acted to take advantage of the fragmented empire. A year after Escobar's death, paramilitary group ACCU occupied many of the Medellin Cartel's former transnational drug shipping points within the northern parts of Colombia.[50] Newly acquired funds from these operations helped the ACCU network to control other paramilitary organizations such as MAS[51], or death to kidnappers, and purchase more weapons. In 2000, AUC and ACCU leader Carlos Castano, also a leader of los Pepes[52], mentioned that 70 percent of AUC funds came from narcotrafficking.[53] As a result, paramilitary groups took advantage of the open Colombia narcotics market and used it to their own ends.

While paramilitaries took control over drug trade, Colombia president Virgilio Barco Vargas[54] directly targeted cartels and traffickers. Although curiously, President

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[49] Kevin Jack Riley, *The Implications of Colombian Drug Industry and Death Squad Political Violence for U.S. Counternarcotics Policy*, (Santa Monica, CA:Rand Corporation, 1993), pg 28-29.

[50] Nazih Richani, "the Paramilitary Connection," *NACLA Report on the Americas* 2, no. 5 (2000): 38–41, https://www.tandfonline.com/doi/citedby/10.1080/10714839.2000.11722632?scroll=top&needAccess=true.

[51] Paramilitary organization started by drug traffickers and ranchers to protect themselves from guerrillas who held individuals for ransom.

[52] known as people persecuted by Pablo Escobar, a paramilitary group that allied with the Colombian government to kill Escobar.

[53] "United Self-Defense Forces/Group of Colombia," *Global Security*, last modified April 2, 2012, https://www.globalsecurity.org/military/world/para/auc.htm.

[54] President from 1986-1990, Vargas hunted and put in prison prominent drug trafficker Pablo Escobar during his initial capture.

Barco left paramilitary squads alone. His Decree 813[55] established a council that convened on a regular basis to discuss counter paramilitary efforts, but it infrequently met. The lack of readiness to address the problem was due to the fact that many of the government officials within this council held strong ties to paramilitary organizations including the AUC.[56] Inaction thus allowed paramilitary organizations to flourish throughout the 1990s, while the government's reluctance to prosecute paramilitary squads for their crimes allowed them to flourish financially. Vargas's policy put cartels in prison, or brought them to justice, but paramilitary groups took their territory and continued drug trafficking. In addition, sympathetic politicians, who declined to act or address these problems, hampered the control of the death squads . As a result, Vargas's efforts encouraged a stronger paramilitary presence and showed that elected officials ignored the crimes committed against their country.

3. Collusion between the Colombian Government and Death Squads

FOIA documentation by U.S diplomats shows a strong connection between drug running paramilitary groups and elements of the Colombian military during the 1990s. Many historians have used these sources to highlight the enabling of human rights abuses that death squads committed with military aid from the United States.[57] One

[55] Part of Vargas 1989 Anti Paramilitary decrees, called for the creation of a commission to oversee the government's anti-paramilitary efforts. The commission was to include the Ministers of Government, Justice, and National Defense, along with the chiefs of the Army, National Police, and DAS. The commission was supposed to plan ways to cut down on paramilitary violence and oversee the execution of these plans. However, most of the people in the commission had either openly voiced support for the paramilitaries or headed agencies with extraordinarily strong ties to paramilitary groups, and the commission rarely met over the following decade.

[56] "Uppsala Conflict Data Program," *UCDP*, Accessed April 17th, 2020, https://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=35®ionSelect#.

[57] Alfred Lindesmith, "COLOMBIA: Secret Documents Show US Aware of Army Killings," *IPS News*, last modified August 12th 1993, http://www.ipsnews.net/.

such document was a cable tie to the U.S Ambassador Robert McNamara who wrote "human rights in Colombia – widespread allegations of abuses by the army." It cites reports from a U.S army adviser[58] indicating that "a Colombian major personally directed the torture of 11 detainees and their subsequent execution…carried out by cutting off the limbs and heads of the still living victims with a chain saw."[59] Additionally, further evidence from the cable tie also links "the Colombian paramilitaries to the police and military." In one such case, there was a declassified 1992 report showing that the military executed 9 civilians dressed up as members of the guerrillas after their murders at the hands of paramilitary death squads. They were buried, but a Colombian military judge realized that the bullet holes did not match the clothes they were wearing.[60] This event proved that the military was actively receiving bodies from paramilitary soldiers and they were making minimal efforts to hide their own crimes as they did not fear prosecution. In addition, it also shows a reliance on paramilitary groups by members of the Colombian military that persists even today. It is therefore deplorable to think that a criminal group, such as the paramilitaries, are actively used as frontline soldiers and treated as comrades by the very people charged with protecting the citizens of Colombia. Taking this relationship into account, one aspect from which paramilitary squads derive their immunity from government prosecution becomes clear, that of their close association with the military.

Unsurprisingly, the declassified reports give credibility to the nickname locals have given the Colombian paramilitaries, the "sixth division, (the Colombian military has

[58] Lindesmith, "COLOMBIA: Secret Documents Show US Aware of Army Killings," *IPS News*.
[59] Lindesmith, "COLOMBIA: Secret Documents Show US Aware of Army Killings," *IPS News*.
[60] Lindesmith, "COLOMBIA: Secret Documents Show US Aware of Army Killings," *IPS News*.

five).” Many citizens perceive the paramilitary troops as a group sharing information, equipment, radios, and common purpose with regular military units to effectively earn them this name.[61] Additionally, the Colombian Army has shown complicity and even become collaborators to crimes committed by paramilitary forces. For example, there was a massacre in Chengue, in the Municipality of Sucre, where twenty-four men lay dead after their skulls were crushed with a sledgehammer. Yet, there were no signs of military intervention to protect or help the victims. On the contrary, around two dozen residents testified that the military cordoned off the area and allowed paramilitaries to hunt down their targets. They further provided safe passage out of the kill site and made no attempt to apprehend the paramilitaries involved.[62] This event confirmed that the military covered up the crimes of paramilitaries and, by doing so, helped them to avoid prosecution.

Valles’ earlier testimonies depicting death at the hands of paramilitary death squads provide insight into the setbacks and problems that Colombian prosecutors had when trying to investigate paramilitaries. In 1998, Deputy Prosecutor of Antiquota and best friend of Valles, Ivan Velasquez Gomez, became determined to bring these criminals to justice after his friend’s death.[63] Gomez’s investigation into the paramilitary squads was only accepted on the basis that he specifically picked those he worked with. His own predecessor as Deputy Prosecutor had been assassinated only a few years earlier. The CTI investigative unit for the prosecutor’s office, however, was under

[61] “The Sixth Division: Military-paramilitary Ties and U.S. Policy in Colombia,” *Human Rights Watch*, last modified October 2001, https://www.hrw.org/reports/2001/colombia/1.htm.
[62] Ibid.
[63] Maria, Sánchez-Moreno, “The Prophet” in *There Are No Dead Here*. (New York: Bold Type Books, 2018).

constant attack from the paramilitary squads whose crimes they sought to expose.[64] There was also concern that, according to a senior agent, Diego Arcila, that the CTI unit was actively infiltrated by informants working for paramilitary squads, feeding them information and contributing to their silence. In another example, a witness to the kidnapping of two men gave a statement to the prosecutor's office where he believed the CTI was involved in their disappearance. Shortly after, the witness was found with three gunshot wounds to the head.[65] Gomez, on the other hand, did not have authority over the CTI, which meant that his investigation was partly at the mercy of a unit likely sympathetic to the very criminals he was investigating.[66]

The first part of Gomez's investigation into the paramilitaries pointed to a man named Gustavo Upegi. He had been an important member of Pablo Escobar's inner circle managing the finances and expenses of his drug empire and the Medellin cartel.[67] Gomez also believed that Upegui controlled La Terraza, which was a legacy organization of the Medellin cartel that had allied with the AUC in 1998. Upegi's name was uncovered after Gomez interviewed the family of a kidnapping victim who had sought help from the businessman. A second kidnapping then followed in retaliation.[68] Investigators believed Upegi was behind this crime and that he had coordinated with security forces in the area. The reason was that there were hints of wiretapping in the case such as knowing exactly where the victims were and the movements of the local police.[69] Additionally, two members of the CTI unit, Jaime Piedrahita and Manuel López,

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[64] Ibid.
[65] Ibid.
[66] Ibid.
[67] Ibid.
[68] Ibid.
[69] Ibid.

tried to come to the prosecutor's office to expose the influence of Upegi on their office, and both were killed before they could testify.

In late 1998, Gomez's break came as a former paramilitary member under threat of death reached out to them for protection. The young prosecutor, with the help of the very few people he trusted in the CTI, wiretapped the paramilitary safehouse and realized that many of them were former military members.[70] Paramilitary organizations offered competitive salaries compared to the paltry sum that soldiers might have earned fighting in the regular army. In addition, the military grunts viewed them as allies to their "counterinsurgency campaigns"[71] against the guerrillas. Not surprisingly, these paramilitary organizations had a close relationship with the military, and they even drew most of their recruits from their forces. Based on Gomez's investigation, Colombian police were able to stop the robbery and mass execution of a bus group of businesspeople, as well as arrest multiple active duty soldiers who worked with the paramilitary organization ACCU.

In 1999, Velasquez arrested Jacinto Alberto Soto, a key accountant for the ACCU. Soto's log books contained weapons receipts, account numbers for ACCU bank accounts, and hard drives with other important organizational data.[72] Soto also was an officer of the fourth brigade of the Colombian military. Soto's experiences and documents became a key part of the prosecution's efforts to cut off the financial backers of the paramilitary organization. However, direct investigations of the crimes and massacres committed by the ACCU were less successful as the military engaged in

[70] Ibid.
[71] Ibid.
[72] Ibid.

obstruction of justice.[73] For example, the Colombian Army prevented the investigators on Gomez's team from entering the site of the El Aro massacre arguing either that there was combat going on in the area, or inclement weather conditions.[74]

The leader of Gomez's investigation team Amelia Perez began looking closely into the conduct of the military units in the area. She found that, during the El Aro Massacre, paramilitaries were able to make off with around 1200 heads of cattle.[75] Furthermore, she found it unlikely that this could happen unless the military allowed it, which would again indicate unsettling collusion. Months later, the prosecutorial office finally entered the site of the El Aro Massacre and interviewed survivors, who were reluctant to come forward. They were scared because the paramilitaries had left a message behind in making everyone watch as they gang-raped and murdered Elvia Rosa Arezia. The terrified villagers saw how much the paramilitaries devalued the lives of their victims, and realized that seeking justice would only put their own lives and families in danger.[76] The prosecutor's office, however, found more witnesses in former paramilitaries seeking protection.

Further testimony from ex-paramilitaries reported that they were forced every two weeks to dismember, or "split open alive" villagers to prove their courage.[77] In addition, the soldiers gave testimony that the paramilitary squad they served in met with the Colombian military Gerardo Battalion, likely for coordination and information, just prior to the attack. According to this soldier, the military also provided ammunition and medicine

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[73] Ibid.
[74] Ibid.
[75] Ibid.
[76] Maria, Sánchez-Moreno, "Chapter 6" in *There Are No Dead Here*, (New York: Bold Type Books, 2018).
[77] Ibid

for the attackers through the landing of a military helicopter as the attack was taking place.[78] In addition, he identified their "bloc" leader as Salvatore Mancuso. However, the documents that Velasquez's office was combing over were transferred to the National prosecutor's office in Bogota, as his office was facing personnel and logistical issues. Similarly, their key witness was also transferred. Someone entered Velasquez's office and changed the destination for Soto from Bogota to a local prosecutor's office, who released him.[79] This prosecutor was eventually convicted of receiving a payoff from the paramilitaries for releasing the witness. Furthermore, former paramilitaries lost faith in the efforts of witness protection out of Velasquez's office as his close-knit group of CTI personnel was either fired or killed. To make matters worse, Amelia Perez's attempts to issue arrest warrants for police officer Colonel Luis Rodríguez Pérez, who she proved had close ties to the paramilitary death squads, was withdrawn by her office.[80] Perez was also reassigned shortly after she had issued this warrant. In 1999, Velasquez received a phone call from regional director Pablo Gonzalez asking him to resign from his chief prosecution position as they were restructuring the agency. He later learned that none of his other colleagues were asked to resign, and that he had been misled.[81] With Velasquez out of the way, the case was essentially "lost" in the national prosecutor's office, which was thereafter dominated by Luis Osorio.

Osorio argued that, despite extensive evidence to the contrary, they were neglecting cases against the guerrillas and instead were overly focused on the paramilitaries. Almost immediately, Osorio began purging the offices of prosecutors who

[78] Ibid
[79] Ibid
[80] Ibid.
[81] Ibid.

had been involved in major cases against paramilitaries.[82] Therefore, those who continued to investigate paramilitary death squads were not only risking their lives but their careers. Perez was also no exception as she lost her job and, consequently, the protection offered to her by the office, including an armored car and bodyguards.[83] As a result, Perez left Colombia for her own safety and the link she uncovered between the paramilitaries and the Colombian military became buried.[84] Velasquez's colleagues regretfully looked back on this case as they felt that, by trying to prosecute the ACCU, they painted targets on the backs of decent men and women. This event also showed the conflicts that prosecutors in Colombia encounter as they attempt to bring paramilitary squads to justice. Furthermore, the fact that these criminals were able to target investigators, "misplace evidence," and pinpoint exactly who was working on their case is highly indicative of a collusion between the paramilitaries and the Colombian government.

4. Motivations of Colombian Death Squads and the reasoning behind Government impunity.

In spite of all the crimes that paramilitaries committed against vulnerable groups of the population, many soldiers believed they were doing a public service. In other words, paramilitaries believed that by indiscriminately killing people of lower class such as the poor or prostitutes, that the general community will improve. Yet similarly, the soldiers

[82] Ibid.
[83] Ibid.
[84] Ibid.

themselves came from humble and fragmented backgrounds that mirrored the victims of their amassed crimes. For example, a soldier from a small town in Colombia named Daniel mentioned that his main motivation for joining the paramilitaries was to keep himself from starving.[85] Daniel's town offered little hope for a legal lifestyle alternative, and he learned about the benefits of joining the paramilitary squads from a friend of his who served with them. Although young members were typically paid low wages, given irregular work, and considered largely expendable, the death squads offered an alternative for young men with little economic opportunities in rural Colombia. It was difficult for young squad members, however, to stay alive long enough to receive promotions and the cash benefits they desired.

Racial divisions also motivated the crimes of death squads. In the northern region of Colombia's Choco Department, whose population is predominantly Afro Colombian, the death squads control 17 of the 23 communities.[86] Paramilitaries believe they have a right to these lands, which belong to Afro-Colombians, for development by multinational corporations and growing coca to support the drug trade.[87] Operation Genesis was one of the first of these plans put in motion to control Afro-Colombians' lands.[88] In 2013, the Inter-American court of Human Rights found the government of

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[85] Samuel, Tanner and G Manrique Rueda, "To Prevent the Existence of People Dedicated to 'Causing Trouble': Dirty Work, Social Control and Paramilitaries in Colombia," *British Journal of Criminology* 56, no. 1 (May 2015): 5, accessed May 23, 2020.

[86] Gimena, Garzoli, "October Update: Colombian Community Leaders and Defenders Face an Ongoing Security Crisis," WOLA, last modified October 24, 2017, https://www.wola.org/analysis/october-update-colombian-community-leaders-defenders-face-ongoing-security-crisis/.

[87] James G. Muhammad, "Death Squads Target Black Activists in Colombia," *The Final Call*, last modified January 12, 2010, https://www.finalcall.com/artman/publish/World_News_3/article_6713.shtml.

[88] Operation Genesis', in Cacarica and Salaqui (Choco), caused the forced displacement of approximately 15,000 people, a subsequent militarisation of the area, and more than 70 people were either murdered or disappeared. ACCU paramilitaries burned homes, looted property and slaughtered defenseless civilians alongside members of the formal militaries seventeenth brigade. Aldo, Civico, *The Para-State an Ethnography of Colombia's Death Squads* (California: University of California Press, 2015), 152.

Colombia guilty for not providing safe passage for those Afro-Colombians who were displaced. As a result, many Afro-Colombians lost their lives on the land their families have occupied for generations. The support of Colombian paramilitary squads would prove instrumental in accomplishing the extermination and forceful control of this Afro-Colombian community.[89]

The death squad's interest in Afro Colombian land has its roots in a 1993 agreement giving them "the right to collectively own and occupy their own ancestral lands."[90] It included vast stretches of highly desirable mines, waterways and other natural resources. Aiming to control those resources, the state militarized the region through the use of paramilitary violence against guerrillas.[91] The growing military intervention resulted in Afro Colombians being left out of the peace process between the government and guerilla groups. Since the peace deal has been signed, 566 activists and community leaders have been murdered. The high number of victims show that the Colombian Government has not prioritized the safety of Afro-Colombians, despite their communities being in the middle of their fights against guerilla groups. The state has therefore allowed Colombian paramilitaries a free pass to commit crimes against these people not only for the sake of economic development but also for the gradual marginalization of their voices in society. Thus, these actions have granted a

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[89] The Afro-Colombian community in the Cacarica River Basin in Chocó
Jairo Melo, *Layered Inequalities: Land grabbing, collective land rights and Afro-descendant resistance in Colombia*, (Colombia: LIT Verlag, 2014), 182.

[90] Norma Jackson, and Peter Jackson, "Law 70 of Colombia (1993): In Recognition of the Right of Black Colombians to Collectively Own and Occupy Their Ancestral Lands," WOLA, Benedict College, last modified August 27, 1993, https://www.wola.org/sites/default/files/downloadable/Andes/Colombia/past/law%2070.pdf.

[91] Francois, France. "Colombia is systematically killing off it's black citizens: Opinion." *Miami Herald*. Last modified January 25, 2020. https://www.miamiherald.com/opinion/op-ed/article239352468.html.

form of social control to the government over both the impoverished citizens who fill the ranks of the paramilitary squads, and their Afro Colombian victims.

5. Prosecutorial Immunity of the Death Squads

From the late 1990's to early 2000's, events continued to show the close relationship between the paramilitaries and the Colombian military, and unveiled a more visible connection with Colombian politicians. During the elections, paramilitaries were often used as enforcers to "control the vote" of impoverished citizens.[92] In 2002, for example, a paramilitary leader by the name of Cadena sent trucks to round citizens up and take them to see the candidate they were required to vote for.[93] In other cases, " terror was used to keep citizens from the polls" or paramilitary thugs simply employed the theft of their cedulas, or voter cards, from their homes. Paramilitary leader Salvatore Mancuso mentioned how they collected taxes, "delivered justice," and controlled who entered politics through their own representatives. Moreover, he estimated that around 35% of the Colombian Congress was elected from areas governed by these self-defense groups.[94] These actions showed that paramilitary soldiers directly controlled the democratic process for Colombian citizens and that, in many cases, they acted with the voice and authority of the formal government. Additionally, the fact that they were never driven out by the Colombian military again shows a lack of accountability and opposition from the authorities. As a result, the

[92] Daron, Acemoglu, James Robinson, and Rafael Santos, "The Monopoly of Violence: Evidence from Colombia," *Massachusetts Institute of Technology*, last modified October 2008, https://economics.mit.edu/files/9339, 19.
[93] Daron, Acemoglu, James Robinson, and Rafael Santos, "The Monopoly of Violence: Evidence from Colombia," *Massachusetts Institute of Technology*, last modified October 2008, https://economics.mit.edu/files/9339, 20.
[94] Ibid, 20.

paramilitary soldiers derived some of their judicial immunity from ensuring that pro-paramilitary politicians entered the government.

By 2002, efforts to bring paramilitary groups to justice culminated when Colombia ratified the Rome Statute of the International Criminal Court.[95] As a result, the court would not have jurisdiction over past crimes, but, in theory, paramilitary atrocities committed after ratification could one day come under the court's purview. In addition, then U.S attorney general John Ashcroft indicted AUC leader Carlos Castano, his lieutenant Salvatore Mancuso, and AUC affiliated drug trafficker Juan Carlos Sierra.[96] The leaders of the AUC facing decades in American federal prisons and extradition rushed to get ahead of this development. Castano found his answer in negotiations with the Uribe administration. In 2003, they declared a "ceasing of hostilities," and their intention for demobilization by 2005.[97] Furthermore, in late August of 2003, Uribe introduced a bill that would protect the paramilitaries from prosecution for all their crimes—including the worst massacres and atrocities, as well as drug trafficking, if they agreed to put down their weapons.[98] Consequently, the paramilitaries would not have to serve any time in prison or even confess their crimes, nor would they have to give up their illegally acquired wealth or disclose any details about their accomplices and drug-trafficking networks.[99]

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[95] "Campaign for Global Justice," *Coalition for the International Criminal Court*, accessed June 4, 2020, http://www.coalitionfortheicc.org/country/colombia.

[96] "Remarks of Attorney General John Ashcroft - AUC Indictment Press Conference," *United States Department of Justice*, last modified September 24, 2002, https://www.justice.gov/archive/ag/speeches/2002/092402aucindictmentpressconference.htm.

[97] Jeremy, Lennard. "Colombian Rightwing Paramilitaries to Disarm," *Guardian News and Media*, last modified July 16, 2003, https://www.theguardian.com/world/2003/jul/16/colombia.jeremylennard.

[98] Maria, Sánchez-Moreno, "Chapter 7" in *There Are No Dead Here*. (New York: Bold Type Books, 2018).

[99] Maria, Sánchez-Moreno, "Chapter 7" in *There Are No Dead Here*. (New York: Bold Type Books, 2018).

The administration of Alvaro Uribe between 2002 and 2010 did nothing to alleviate the injustices and crimes of the death squads. In fact, Uribe's government would go on to further encourage the crimes of death squads. Uribe had made a name for himself during the 1980s and 1990s as someone who backed the establishment of paramilitary groups, and expressly voiced his support for CONVIVIR.[100] According to the evidence cited at trial against him in 2018, Uribe's family estate served as a ground for training, and outfitting up and coming paramilitaries who served with AUC soldiers since 1999.[101] In addition, he is also presently standing trial for massacres that occurred in areas that he governed over. Among others, these massacres occurred in small villages near Antioquia such as El Aro, La Granja and San Roque, where paramilitary squads murdered, raped, and displaced from their homes hundreds of people.[102] Furthermore, Colombian prosecutors believe Uribe had a hand in planning these crimes against humanity.

During his administration, Uribe kept many supporters of death squads within his intelligence gathering units, presidential cabinets, and military advisers. Jorgue Noguera, the chief of Colombian Intelligence unit DAS,[103] was accused and convicted of passing information to right-wing paramilitary groups for the purposes of targeting

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[100] A neighborhood watch program which openly collaborated with paramilitary groups for the purposes of violence and human rights violations. Haley, Olig, "ALVARO URIBE, THE CONVIVIR, AND THE PARAMILITARY ARMIES," Colombia Support Network, last modified October 21, 2015, https://colombiasupport.net/2015/10/alvaro-uribe-the-convivir-and-the-paramilitary-armies/.

[101] "Former Colombian President's Ranch Was A Paramilitary Base, According," *National Security Archive*, accessed May 12, 2020, https://nsarchive.gwu.edu/news/colombia/2018-07-09/former-colombian-presidents-ranch-paramilitary-base-according-new-testimony.

[102] President Uribe was the Governor of Antioquia during these killings.

[103] Administrative department of security trained and funded by U.S military intervention in 1960.

dissident individuals and guerrillas in 2005.[104] Other prosecuted individuals were also part of Uribe's administration including former DAS chief María del Pilar Hurtado, and his chief of staff Bernardo Moreno. Lastly, perhaps one of the most significant ties of Uribe to paramilitary groups, is the testimony from a former AUC member simply known as "Victor" who mentioned that the AUC financially supported his 2002 presidential campaign.[105] This financial support likely was a gift from a group that had been allies with him over the course of several decades. Uribe's administration had supplied these paramilitary groups with information, weapons, and a training ground to strengthen their grip over the Colombian people. As a result, government interference protected these criminals from prosecution and encouraged them to continue to prey on those left defenseless.

Between 2002 and 2008, the Colombian military also participated in the routine execution of civilians.[106] During these operations, soldiers were offered cash rewards and promotions for their inflated body counts. As a result, civilians were turned over to the soldiers' superior officers dressed as guerrillas and carrying weapons. Reports indicate that this had been going on at least since 1992, but according to the organization human rights watch, this matter was not investigated until the victims were from more affluent neighborhoods.[107] The Bogota suburb of Soacha, for example, was a

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[104]"The Biggest Fish so Far," *The Economist Newspaper*, last modified September 15, 2011, https://www.economist.com/americas-view/2011/09/15/the-biggest-fish-so-far.

[105]Adriaan, Alselma. "The Witnesses Who Will Begin Testifying in Uribe Trial on September 3." *Colombia Reports*, last modified August 19, 2019, https://colombiareports.com/the-witnesses-who-will-begin-testifying-in-uribe-trial-on-september-3/.

[106] "On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia." *Human Rights Watch*, last modified July 9, 2015, https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-army-officers-responsibility-false-positive-killings.

[107] "On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia," *Human Rights Watch*, last modified July 9, 2015, https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-army-officers-responsibility-false-positive-killings.

strong contributor to the estimated 3,000 “false positive” victims killed at the hands of Colombian military personnel.[108] This would suggest that prosecution in Colombia and the protection of its citizens are limited exclusively to those with money. Moreover, the military’s actions deemed citizens expendable and worth nothing more than numbers on a sheet. Therefore, members of the Colombian military thought alike with those of the paramilitary death squads. The sanctioning of these programs by top generals also shows a way that the Colombian military has protected death squads from prosecution. In other words, if these actions were acceptable inside the military, it would bring into doubt their criminality when committed by paramilitary squads acting on their behalf. It is also important to note that almost all of the military generals who promoted these programs and failed to adequately confirm the bodies of the “guerrillas” avoided prosecution or any real consequences.[109] In relation to their atrocities, 800 soldiers have been convicted to date, yet their ranks have not surpassed that of junior officers. In contrast, Generals who were in command of the offending fifth and seventh divisions were all either forcibly retired or left willingly.[110] It is then evident that prosecutorial immunity for death squads were closely related to the Uribe administration. In addition, the financial support that Uribe received from paramilitary squads calls into question the objectivity of his administration which clearly acted in leniency toward these criminals.

In 2012, after Uribe's administration, the Colombian government finally acted against corrupt political officials, guerrillas, and paramilitary squads. The International criminal court issued a report establishing evidence of significant human right’s

[108] Ibid.
[109] Ibid.
[110] Ibid.

violations and making a strong case for the prosecution of many top officials within the AUC paramilitary group.[111] Many of these individuals, however, served only a few years before being granted freedom or parole. In one such case Luis Eduardo Cifuentes, a top paramilitary commander, who confessed to 15 murders and a forced disappearance, but ultimately served only six years before being granted parole in 2018.[112] Salvatore Mancuso, second in command of the AUC, by contrast, was also extradited in 2008, along with other 40 paramilitaries, to the United States, where they remain today.[113] American courts, however, treated them as first time offenders, even though Mancuso himself had already been prosecuted nine times in Colombian, and they received short sentences to American prisons.[114] These extraditions for drug charges robbed justice from countless Colombian families who lost family members to the atrocities committed by the AUC. In addition, this has allowed the time prosecutors have to bring charges against these commanders within Colombia to "run out." In 2015, seven years after the extradition order, Colombian prosecutors were forced to drop drug charges against Salvatore Mancuso and AUC members of the Catatumbo Bloc.[115] As a result of these extraditions, prosecutors did not have the opportunity to question the suspects and run

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[111] "Situation in Colombia Interim Report." *International Criminal Court in the Office of the Prosecutor*, accessed November 2012, https://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf

[112] "¿A Qué Iba 'El Águila' a La Gobernación De Cundinamarca?," *El Espectador*, last modified September 5, 2018, https://www.elespectador.com/noticias/bogota/que-iba-el-aguila-la-gobernacion-articulo-810468.

[113] "The Return of Salvatore Mancuso, the Man Who Demobilized Colombia's Paramilitaries." *Colombia Reports*, last modified November 26, 2019. https://colombiareports.com/the-return-of-salvatore-mancuso-the-man-who-demobilized-colombias-paramilitaries/.

[114] Deborah, Sontag, "The Secret History of Colombia's Paramilitaries and the U.S. War on Drugs," *The New York Times*, last modified September 10, 2016, https://www.nytimes.com/2016/09/11/world/americas/colombia-cocaine-human-rights.html.

[115] Mimi, Yagoub. "Prosecution Gaffe Absolves Colombia Paramilitary of Drug Trafficking," *InSight Crime*, last modified September 20, 2017. https://www.insightcrime.org/news/brief/prosecution-gaffe-absolves-colombia-paramilitary-of-drug-trafficking-charges/.

a thorough investigation to make their case in Colombia. Therefore, without this evidence, the extraditions have weakened the local prosecutors' criminal cases in Colombia, and prevented justice.[116] Moreover, in 2013, the Colombian supreme court absolved Mancuso of a 1996 Massacre, in spite of his confession to investigators.[117] The U.S extradition of AUC members has severely hampered the efforts of Colombian officials in bringing a case against the crimes of the paramilitary. Furthermore, it is also unknown what human rights cases will still be pursued by Colombia officials upon their return, and if any of them will succeed. Again, these are obstacles to prosecution, but they were put there at the behest of the Colombian government, and specifically during the government of Alvaro Uribe. This president agreed to the extradition because he believed the men were still dealing drugs from inside the prison.[118] Yet, the lenient conditions that paramilitaries face in American prisons and the immunity from the prosecution they enjoy demonstrate a collaboration between the Uribe administration and his criminal allies, who have served him well.

5. Conclusion

In conclusion, the story of Colombian paramilitarism began as a development of the cold war. U.S advisory teams sent in the 1950s under Eisenhower made recommendations to the Colombian military, as well as the president to enact

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[116] Mimi, Yagoub. "Prosecution Gaffe Absolves Colombia Paramilitary of Drug Trafficking," *InSight Crime*, last modified September 20, 2017. https://www.insightcrime.org/news/brief/prosecution-gaffe-absolves-colombia-paramilitary-of-drug-trafficking-charges/.

[117] "Salvatore Mancuso Absuelto Por Masacre Que Confesó Dirigir," *El Universal*, last modified August 26, 2013, https://www.eluniversal.com.co/colombia/salvatore-mancuso-absuelto-por-masacre-que-confeso-dirigir-132504-MQEU220590.

[118] "Colombia Extradites 14 Drug Suspects to U.S," CNN Cable News Network, last modified May 13, 2008, http://www.cnn.com/2008/WORLD/americas/05/13/colombia.extraditions/index.html.

counterinsurgency measures to ensure stability. Thus, civil defense patrols emerged to support the Colombian military in bringing down communist enclaves in the jungle. This close working relationship between both paramilitary groups and the military themselves has created a collaboration that persists today. As a result, crimes against humanity such as in the case of Omaira Fernandez are not uncommon for the paramilitary who believe that they are an untouchable force. In addition, extortion rackets, drug trafficking rings, and killings of those who speak out against them have fully secured their power in the region. Clearly, it is then the close association between paramilitaries and the Colombian government that has contributed to their lack of prosecution and accountability for their crimes.

Bibliography

"¿A Qué Iba 'El Águila' a La Gobernación De Cundinamarca?." *El Espectador*. Last modified September 5, 2018. https://www.elespectador.com/noticias/bogota/que-iba-el-aguila-la-gobernacion-articulo-810468.

Acemoglu, Daron, James Robinson, and Rafael Santos. "The Monopoly of Violence: Evidence from Colombia." *Massachusetts Institute of Technology*. Last modified October 2008. https://economics.mit.edu/files/9339.

Alselma, Adriaan. "The Witnesses Who Will Begin Testifying in Uribe Trial on September 3." *Colombia Reports*. Last modified August 19, 2019. https://colombiareports.com/the-witnesses-who-will-begin-testifying-in-uribe-trial-on-september-3/.

Arcinegias, Germán. *Colombia's Killer Networks*, Colombia: Human Rights Watch, 1996.

Avilés William "Paramilitarism and Colombia's Low-Intensity Democracy," *Journal of Latin American Studies* 38, no. 2 (2006), 379, accessed April 30, 2020, www.jstor.org/stable/3875504.

Bagley, Micheal Bruce. "The New Hundred Years War? US National Security and the War on Drugs in Latin America." *Journal of Interamerican Studies and World Affairs* 30, no. 1 (1988): 161-82. Accessed March 18, 2020, doi:10.2307/165793.

Bowley, Jenna. "Robin Hood or Villain: The Social Constructions of Pablo Escobar." *University of Maine*. Last modified May 2013, https://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1108&context=honors.

Braun Herbert, *The Assassination of Gaitan: Public Life and Urban Violence In Colombia*, Wisconsin: University of Wisconsin Press, 1985.

Brittain James, *Revolutionary Social Change in Colombia* (New York: Pluto Press, 2010)

“Campaign for Global Justice.” *Coalition for the International Criminal Court*. Accessed June 4, 2020. http://www.coalitionfortheicc.org/country/colombia.

Child Jack. *The Central American Peace Process, 1983-1991*. (San Francisco, California: Hoover Institution Press, 1992.

Civico, Aldo, *The Para-State an Ethnography of Colombia's Death Squads*, (California: University of California Press), 2015.

"Colombia Extradites 14 Drug Suspects to U.S." *CNN Cable News Network*. Last modified May 13, 2008. http://www.cnn.com/2008/WORLD/americas/05/13/colombia.extraditions/index.html.

"Colombia's Killer Networks: The Military - Paramilitary Partnership and the United States." *Human Rights Watch*. Accessed April 17, 2020. https://www.hrw.org/reports/1996/killer2.htm.

"Colombia: Political Dynamics." *Carnelian International*. Accessed April 17, 2020. https://web.archive.org/web/20040616211546/http://www.carnelian-international.com/colombia/Political_Dynamics.htm

Colombia Reports. "Patriotic Union: Colombia Reports." *Colombia Reports*. Last modified August 28, 2019. https://colombiareports.com/patriotic-union/.

"Court's Ruling on Operation Genesis a Leap Forward for Justice for Afro-Colombian Victims." *WOLA*. Accessed January 9, 2014. https://www.wola.org/analysis/courts-ruling-on-operation-genesis-a-leap-forward-for-justice-for-afro-colombian-victims/.

Dudley S. Steven. *Walking Ghosts: Murder and Guerrilla Politics in Colombia*, New York: Routledge,2003.

"Dr. Bruce Bagley." *Swansea University*. Accessed June 4, 2020. https://www.swansea.ac.uk/gdpo/technicaladvisors/drbrucebagley/.

"Fear for Safety/Possible 'Disappearance.'" *Amnesty international*. Last modified June 3, 2003, https://www.amnesty.org/download/Documents/104000/amr230432003en.pdf.

"Former Colombian President's Ranch Was A Paramilitary Base, According." *National Security Archive*. Accessed May 12, 2020. https://nsarchive.gwu.edu/news/colombia/2018-07-09/former-colombian-presidents-ranch-paramilitary-base-according-new-testimony.

Francois, France. "Colombia is systematically killing off its black citizens: Opinion." *Miami Herald*. Last modified January 25, 2020. https://www.miamiherald.com/opinion/op-ed/article239352468.html.

Garzoli, Gimena. “October Update: Colombian Community Leaders and Defenders Face an Ongoing Security Crisis.” *WOLA*. Last modified October 24, 2017. https://www.wola.org/analysis/october-update-colombian-community-leaders-defenders-face-ongoing-security-crisis/.

Gonzales, Camilo. “The Conflict in Colombia.” *United States Institute of Peace*. last modified June 14, 2014. https://www.usip.org/.

Gonzalez, Tatiana. R*acial Discrimination and Human Rights in Colombia. A report on the situation of the rights of Afro-Colombians*, United Kingdom: Observatory on Racial Discrimination, 2014.

Hanratty, Dennis. “The Drug War.” *U.S Government Accountability Office*. last modified February 1992. Accessed March 12, 2020, https://www.gao.gov/assets/110/104300.pdf.

Hylton Forrest. *Evil Hour in Colombia* London, Verso, 2006.

Jackson, Norma, and Peter Jackson. “Law 70 of Colombia (1993): In Recognition of the Right of Black Colombians to Collectively Own and Occupy Their Ancestral Lands.” WOLA, Benedict College. Last modified August 27, 1993.

https://www.wola.org/sites/default/files/downloadable/Andes/Colombia/past/law%2070.pdf.

Janicke, Kiraz. “War vs Peace: Colombia, Venezuela and the FARC Hostage Saga.” *Third World Traveler*, last modified February 9, 2008. http://www.thirdworldtraveler.com/South_America/Colombia_FARC.html.

“Killing Pablo.” *CNN, Cable News Network*. Last modified May 25, 2003. http://edition.cnn.com/TRANSCRIPTS/0305/25/cp.00.html.

Lennard, Jeremy. “Colombian Rightwing Paramilitaries to Disarm.” *Guardian News and Media*. Last modified July 16, 2003. https://www.theguardian.com/world/2003/jul/16/colombia.jeremylennard.

Lindesmith Alfred. “COLOMBIA: Secret Documents Show US Aware of Army Killings.” *IPS News*. Last modified August 12, 1993. http://www.ipsnews.net/.

Melo Jairo. *Layered Inequalities: Land grabbing, collective land rights and Afro-descendant resistance in Colombia*, Colombia: LIT Verlag, 2014.

Muhammad, James G. “Death Squads Target Black Activists in Colombia.” *The Final Call*. Last Modified January 12, 2010. https://www.finalcall.com/artman/publish/World_News_3/article_6713.shtml.

Olig, Haley. “ALVARO URIBE, THE CONVIVIR, AND THE PARAMILITARY ARMIES.” *Colombia Support Network*. Last modified October 21, 2015. https://colombiasupport.net/2015/10/alvaro-uribe-the-convivir-and-the-paramilitary-armies/.

“On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia,” *Human Rights Watch*, last modified July 9, 2015, https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-army-officers-responsibility-false-positive-killings.

“Remarks of Attorney General John Ashcroft - AUC Indictment Press Conference.” United States Department of Justice. Last modified September 24, 2002, https://www.justice.gov/archive/ag/speeches/2002/092402aucindictmentpressconference.htm.

Rempe M. Dennis. “Guerrillas, Bandits, and Independent Republics: US Counter-Insurgency Efforts in Colombia 1959–1965.” *Small Wars & Insurgencies* 6, no. 3 (1995): 304–27. https://doi.org/10.1080/09592319508423115.

Nazih, Richani. “The Paramilitary Connection.” NACLA Report on the Americas 2, no. 5 (2000): 38-41.

https://www.tandfonline.com/doi/citedby/10.1080/10714839.2000.11722632?scroll=top&needAccess=true.

Riley, Jack Kevin. *The Implications of Colombian Drug Industry and Death Squad Political Violence for U.S. Counternarcotics Policy*, Santa Monica, CA:Rand Corporation, 1993.

“Salvatore Mancuso Absuelto Por Masacre Que Confesó Dirigir.” *El Universal*. Last modified August 26, 2013. https://www.eluniversal.com.co/colombia/salvatore-mancuso-absuelto-por-masacre-que-confeso-dirigir-132504-MQEU220590.

Sanchez-Moreno Maria. “Chapter 5,6 and 7” in *There Are No Dead Here*, New York: Bold Type Books, 2018.

Sanford, Victoria. "Learning to Kill by Proxy: Colombian Paramilitaries and the Legacy of Central American Death Squads, Contras, and Civil Patrols." *Social Justice* 30, no. 3 (2003): 63-81. www.jstor.org/stable/29768209.

“Sexual Violence against Indigenous Women as a Weapon of War: El Tema: Versión Solo Texto: Otramérica.” *Otramérica*. Last modified June 4, 2012. http://otramerica.com/solo-texto/temas/sexual-violence-against-indigenous-women-as-a-weapon-of-war/2012.

"Situation in Colombia Interim Report." *International Criminal Court in the Office of the Prosecutor*, accessed November 2012, https://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf

Sontag, Deborah. "The Secret History of Colombia's Paramilitaries and the U.S. War on Drugs." *The New York Times*. Last modified September 10, 2016. https://www.nytimes.com/2016/09/11/world/americas/colombia-cocaine-human-rights.html.

Tanner, Samuel, and G Manrique Rueda. "To Prevent the Existence of People Dedicated to 'Causing Trouble': Dirty Work, Social Control and Paramilitaries in Colombia." *British Journal of Criminology 56*, no.1 (May 2015):5. Accessed May 23, 2020.

"The Biggest Fish so Far." *The Economist Newspaper*. Last modified September 15, 2011. https://www.economist.com/americas-view/2011/09/15/the-biggest-fish-so-far.

"The Labor Movement." *Colombia - The Labor Movement U.S Library of Congress*. Accessed April 17, 2020. http://countrystudies.us/colombia/64.htm.

"The Return of Salvatore Mancuso, the Man Who Demobilized Colombia's Paramilitaries." *Colombia Reports*. Last modified November 26, 2019. https://colombiareports.com/the-return-of-salvatore-mancuso-the-man-who-demobilized-colombias-paramilitaries/.

"The Sixth Division: Military-paramilitary Ties and U.S policy in Colombia." *Human Rights Watch*. last modified October 2001. https://www.refworld.org/docid/3c2b20470.html.

"Colombia: Information on the Former Guerrilla Group M-19." *Refworld*. Last modified March 25, 2003. https://www.refworld.org/docid/414eee264.html.

"United Self-Defense Forces/Group of Colombia." *Global Security*. Last modified April 2, 2012. https://www.globalsecurity.org/military/world/para/auc.html.

"Uppsala Conflict Data Program." *UCDP*. Accessed April 17, 2020. https://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=35®ionSelect#.

"II The history of the military-paramilitary partnership." *Human Rights Watch*. Seven Stories Press. Last modified 1996, https://www.hrw.org/reports/1996/killer2.htm.

Yagoub, Mimi. "Prosecution Gaffe Absolves Colombia Paramilitary of Drug Trafficking." *InSight Crime*. Last modified September 20, 2017. https://www.insightcrime.org/news/brief/prosecution-gaffe-absolves-colombia-paramilitary-of-drug-trafficking-charges/.